

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

MELISSA THRASHER-LYON, individually and)	
for a class of others similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	No. 11 Civ. 4473 (RC)
)	
ILLINOIS FARMERS INSURANCE COMPANY)	
and CCS COMMERCIAL LLC d/b/a/ CREDIT)	Jury Trial Demanded
COLLECTION SERVICES COMMERCIAL,)	
)	
Defendants.)	

PLAINTIFF'S MOTION FOR CLASS CERTIFICATION

Now comes Plaintiff's Counsel, Loevy & Loevy, and respectfully moves for class certification pursuant to Fed. R. Civ. P. 23(b)(3), stating in support as follows:

1. In a decision issued today, Damasco v. Clearwire Corp., No. 10-3934 (slip opinion attached as Exhibit A), the Seventh Circuit Court of Appeal's has ruled that a putative class representative ought to bring an early motion for class certification to protect the class from defense tactics calculated to moot the class's claims. Based on Damasco, Plaintiff hereby moves this Court to certify the classes alleged in the Complaint and to stay ruling on the motion pending class discovery and further briefing.

2. Plaintiff Melissa Thrasher-Lyon filed her Complaint on July 1, 2011 alleging individual and class claims under the federal Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, the Illinois Automatic Telephone Dialers Act, 815 ILCS 305/30, and the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505, *et seq.*

3. Defendants CCS Commercial LLC ("CCS") and Illinois Farmers Insurance Company ("Farmers") each moved to dismiss all counts on August 25, 2011. Both Defendants'

motions are fully briefed and are currently pending before the Court.

4. For the reasons set forth in the Complaint, and out of an abundance of caution, Plaintiff moves for class certification. Plaintiff further seeks leave to conduct class discovery in order to fully develop the record in support of class certification. This process is in accordance with the Seventh Circuit's decision in Damasco, which instructs that a plaintiff seeking to prevent mootness tactics should file an early motion for class certification and "ask the district court to delay its ruling [on the motion for class certification] to provide time for additional discovery or investigation." See Damasco, attached as Exhibit A, at 9. Plaintiff respectfully requests that this Court enter an order comporting with Damasco.

5. Plaintiff further proposes that Plaintiff's memorandum of law in support of her motion for class certification be filed 120 days from the commencement of an order allowing class discovery to commence.

WHEREFORE, Plaintiff respectfully moves for class certification, and requests leave to immediately commence fact discovery followed by a briefing schedule on the motion for class certification as set forth above.

Respectfully submitted,

/s/ Michael Kanovitz

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CERTIFICATE OF SERVICE

I, Michael Kanovitz, an attorney, certify that on November 18, 2011, I caused the foregoing Motion to be served on all counsel of record via CM/ECF electronic filing.

/s/ Michael Kanovitz